

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

DUEWAYNE SNYDER, SR.,)	
)	
Plaintiff,)	
)	Case No. 3:23-CV-3152-NJR
v.)	
)	
TRIHEDRO CORPORATION.,)	
)	
Defendant.)	
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TRIHEDRO CORPORATION.,)	
)	
Third Party Plaintiff,)	
)	
v.)	
)	
ENTACT, LLC,)	
)	
Third Party Defendant.)	

ANSWER TO THIRD PARTY COMPLAINT

COMES NOW Third Party Defendant, ENTACT, LLC., by its undersigned attorneys, Hinshaw & Culbertson LLP, and for its Answer to the Third Party Complaint, states as follows:

1. Defendant admits the allegations contained in Paragraph 1.
2. Defendant admits the allegations contained in Paragraph 2.
3. Defendant admits that it was a limited liability company existing under the laws of Delaware, that was licensed and doing business within the State of Illinois and was headquartered in the State of Illinois. Defendant denies the remaining statements or allegations contained in Paragraph 3.
4. Defendant is without sufficient information with which to admit or deny the allegations contained in Paragraph 4 and therefore denies same.
5. Defendant admits the allegations contained in Paragraph 5.

6. Defendant admits the allegations contained in Paragraph 6.
7. Defendant admits the allegations contained in Paragraph 7.
8. Defendant denies the allegations contained in Paragraph 8.
9. Defendant denies the allegations contained in Paragraph 9.
10. Defendant denies the allegations contained in Paragraph 10.
11. Defendant admits the allegations contained in Paragraph 11.
12. Defendant denies the allegations contained in Paragraph 12 including subparagraphs a-r.

13. Defendant denies the allegations contained in Paragraph 13.
14. Defendant admits the allegations contained in Paragraph 14.
15. Defendant denies the allegations contained in Paragraph 15.

WHEREFORE, Third Party Defendant, ENTACT, LLC., prays that Third Party Plaintiff's Complaint be dismissed, and that judgment be entered in its favor and against Third Party Plaintiff, including the award of costs wrongfully incurred in the defense of this matter.

DEFENDANT DEMANDS JURY TRIAL OF 12

AFFIRMATIVE DEFENSES

1. Further answering and as an affirmative defense, Third Party Defendant states that a third party over whom defendant had no control was the sole and proximate cause of Plaintiff's injury.
2. Further answering and as an affirmative defense, Third Party Defendant states that Plaintiff's negligence was the sole and proximate cause of Plaintiff's injury.
3. Further answering and as an affirmative defense, Third Party Defendant states that Plaintiff's negligence contributed to cause the alleged injuries and, therefore, Plaintiff is either

barred from recovery, or, in the alternative, if Plaintiff is found to be 50% or less at fault for causing the subject occurrence, any recovery for Plaintiff should be reduced in proportion to his fault.

4. Further answering and as an affirmative defense, Third Party Defendant states that Third Party Defendant did not have exclusive control of the premises.

5. Further answering and as an affirmative defense, Third Party Defendant states that the alleged dangers confronted by Plaintiff was open and obvious and, therefore, Third Party Defendant owed no duty to warn or protect Plaintiff from the conditions he confronted.

6. Further answering and as an affirmative defense, Third Party Defendant states that any negligence on its part, was less than 25% of the total fault attributable to the occurrence, and liability, therefore, must be limited in accordance with 735 ILCS 5/2-1117.

7. Further answering and as an affirmative defense, Third Party Defendant states that Plaintiff has failed to mitigate his damages.

8. Plaintiff assumed the risk of any injuries allegedly suffered and damages sustained as a result of the claimed accident.

9. If Plaintiff settles the cause of action pleaded in this complaint, in whole or in part, with any other Defendant or non-party, then this Third Party Defendant is entitled to a set off in an amount equal to any such settlement or settlements.

Dated: November 25, 2024 Attorneys for Third Party Defendant ENTACT,
LLC

HINSHAW & CULBERTSON LLP

By: /s/ Michael P. Murphy
Michael Murphy
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed and served via the Court's electronic filing system on all parties on this 25th day of November, 2024.

/s/ Michael P. Murphy